

CHAPTER 25

ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Sec. 25-1. Duties of Zoning Administrator.

This ordinance shall be enforced by the Zoning Administrator, who shall have all necessary authority on behalf of the City Council to administer and enforce the same, including the authority to make conclusions of law and findings of fact, with concurrence of the City Attorney, in connection with the administration, application and enforcement of the Ordinance in specific cases, including determinations of rights accruing under Chapter 21, Nonconforming Uses, herein, and further including the ordering in writing or remedying of any condition found in violation of any authority, and the bringing of legal action to insure compliance, including injunction, abatement, or other appropriate action. Unless agreed to by the requesting party, any decision or determination of zoning matters shall be made within ninety (90) days of such request. (9/9/98)

Sec. 25-1.1 Notification of Violations or Orders.

Any written notice of a zoning violation or a written order of the Zoning Administrator shall include a statement informing the recipient that he may have a right to appeal the notice of a zoning violation or written order within thirty (30) days to the Board of Zoning Appeals. Such written notice or order shall be final and unappealable if an appeal is not filed within thirty (30) days of the date of such written notice or order. (2/23/94)

Sec. 25-2. Building Permit Applications, What to Include.

All applications for building permits as required by the Building Code shall be accompanied by usable plat plans in duplicate, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of the building or buildings and accessory buildings existing, or to be erected or altered; the existing and intended use of each building or part of a building; the number of families the building is designed to accommodate; the location and the number of off-street parking and off-street loading spaces; and such other information with regard to the lot as may be necessary to determine and provide for the enforcement of the provisions of this ordinance. One (1) copy of such plat plan shall be returned

to the owner when such plans have been approved or disapproved by the Zoning Administrator.

Sec. 25-2.01. Zoning Permit Applications, What to Include.

Residential utility sheds when accessory to single-family, two-family, and townhouse dwellings, and fences not part of the barrier for a swimming pool, all of which are exempted by the Building Code from obtaining building permits shall be required to obtain a zoning permit. All applications for such zoning permits shall be accompanied by usable plat plans in duplicate, showing the actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of the building or buildings and accessory buildings existing, or to be erected or altered; the existing and intended use of each building or part of a building; such other information with regard to the lot as may be necessary to determine and provide for the enforcement of the provisions of this ordinance; and a nonrefundable application fee of fifteen dollars (\$15.00). One (1) copy of such plat plan shall be returned to the applicant when such plans have been approved or disapproved by the Zoning Administrator. (amended 1/14/04)

Sec. 25-3. Misdemeanor, Penalty.

The owner or general agent of a building or premises where a violation of any provision of this ordinance has been committed or shall exist, the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist; the owner, general agent, lessee or tenant of any part of the building in which such violation has been committed or shall exist; or the general agent, architect, builder, contractor, or any other person who commits, takes part, or assists in any such violation, or who maintains any building or premises in which such violation shall exist, shall be guilty of a misdemeanor, punishable by a fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not less than \$10 nor more than \$1,000 and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand five hundred dollars (\$1,500.00). (amended 8/11/99)

Deleted:

Sec. 25-4. Other Actions to Prevent Violations.

The Zoning Administrator or any other official of the City of Hampton may institute in the name of the City any appropriate action or proceeding to prevent the unlawful erection, construction, reconstruction, alteration, repair, or conversion of use of any building or structure; or the unlawful use of land, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises.

Sec. 25-5. Severability of Ordinance.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 25-6. How Ordinance Designated.

This ordinance shall be known, designated and cited as the "Zoning Ordinance of the City of Hampton, 1960."

Sec. 25-7. Repeal of Inconsistent Provisions.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance, except as herein provided, are hereby repealed; provided, however, that the Zoning Ordinance published as an appendix to the Code of the City of Hampton, Virginia, 1956, shall not be considered repealed as to any violation thereof existing on the effective date of this ordinance, unless such violation conforms to the provisions of this ordinance.

Sec. 25-8. Effective Date.

This ordinance shall be in effect on and after the first day of February 1960.